

certification for aliens pursuant to part 656 of title 20, Code of Federal Regulation (or any successor regulation). The Secretary may not delegate this function to any agency of a State.

(2) **SCHEDULE FOR DETERMINATION.**—Except as provided in paragraph (3), the Secretary of Labor shall provide a response to an employer's request for a prevailing wage determination in no more than 20 calendar days from the date of receipt of such request. If the Secretary fails to reply during such 20-day period, then the wage proposed by the employer shall be the valid prevailing wage rate.

(3) **USE OF SURVEYS.**—The Secretary of Labor shall accept an alternative wage survey provided by the employer unless the Secretary determines that the wage component of the Occupational Employment Statistics Survey is more accurate for the occupation in the labor market area.

(b) **PLACEMENT OF JOB ORDER.**—The Secretary of Labor shall maintain a website with links to the official website of each workforce agency of a State, and such official website shall contain instructions on the filing of a job order in order to satisfy the job order requirements of section 656.17(e)(1) of title 20, Code of Federal Regulation (or any successor regulation).

(c) **TECHNICAL CORRECTIONS.**—The Secretary of Labor shall establish a process by which employers seeking certification under section 212(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)), as amended by section 1621(b), may make technical corrections to applications in order to avoid requiring employers to conduct additional recruitment to correct an initial technical error. A technical error shall include any error that would not have a material effect on the validity of the employer's recruitment of able, willing, and qualified United States workers.

(d) **ADMINISTRATIVE APPEALS.**—Motions to reconsider, and administrative appeals of, a denial of a permanent labor certification application, shall be decided by the Secretary of Labor not later than 60 days after the date of the filing of such motion or such appeal.

(e) **APPLICATIONS UNDER PREVIOUS SYSTEM.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Labor shall process and issue decisions on all applications for permanent alien labor certification that were filed prior to March 28, 2005.

(f) **EFFECTIVE DATE.**—The provisions of this section shall take effect 90 days after the date of enactment of this Act, regardless of whether the Secretary of Labor has amended the regulations at part 656 of title 20, Code of Federal Regulation to implement such changes.

Subtitle D—Miscellaneous

SEC. 1641. COMPLETION OF BACKGROUND AND SECURITY CHECKS.

Section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) is amended by adding at the end the following new subsection:

“(i) **REQUIREMENT FOR BACKGROUND CHECKS.**—Notwithstanding any other provision of law, until appropriate background and security checks, as determined by the Secretary of Homeland Security, have been completed, and the information provided to and assessed by the official with jurisdiction to grant or issue the benefit or documentation, on an in camera basis as may be necessary with respect to classified, law enforcement, or other information that cannot be disclosed publicly, the Secretary of Homeland Security, the Attorney General, or any court may not—

“(1) grant or order the grant of adjustment of status of an alien to that of an alien lawfully admitted for permanent residence;

“(2) grant or order the grant of any other status, relief, protection from removal, or other benefit under the immigration laws; or

“(3) issue any documentation evidencing or related to such grant by the Secretary, the Attorney General, or any court.

“(j) **REQUIREMENT TO RESOLVE FRAUD ALLEGATIONS.**—Notwithstanding any other provision of law, until any suspected or alleged fraud relating to the granting of any status (including the granting of adjustment of status), relief, protection from removal, or other benefit under this Act has been investigated and resolved, the Secretary of Homeland Security and the Attorney General may not be required to—

“(1) grant or order the grant of adjustment of status of an alien to that of an alien lawfully admitted for permanent residence;

“(2) grant or order the grant of any other status, relief, protection from removal, or other benefit under the immigration laws; or

“(3) issue any documentation evidencing or related to such grant by the Secretary, the Attorney General, or any court.

“(k) **PROHIBITION OF JUDICIAL ENFORCEMENT.**—Notwithstanding any other provision of law, no court may require any act described in subsection (i) or (j) to be completed by a certain time or award any relief for the failure to complete such acts.”.

SEC. 1642. VISA REVALIDATION.

(a) **IN GENERAL.**—Section 222 of the Immigration and Nationality Act (8 U.S.C. 1202) is amended by adding at the end the following:

“(i) **VISA REVALIDATION.**—The Secretary of State shall permit an alien granted a nonimmigrant visa under subparagraph E, H, I, L, O, or P of section 101(a)(15) to apply for a renewal of such visa within the United States if—

“(1) such visa expired during the 12-month period ending on the date of such application;

“(2) the alien is seeking a nonimmigrant visa under the same subparagraph under which the alien had previously received a visa; and

“(3) the alien has complied with the immigration laws and regulations of the United States.”.

(b) **CONFORMING AMENDMENT.**—Section 222(h) of such Act is amended, in the matter preceding subparagraph (1), by inserting “and except as provided under subsection (i),” after “Act”.

SEC. 1643. SEVERABILITY.

If any provision of this title, any amendment by this title, or the application of such provision or amendment to any person or circumstance is held to be invalid for any reason, the remainder of this title, the amendments made by this title, and the applications of such to any other person or circumstance shall not be affected by such holding.

PRIVILEGES OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Dr. Melanie Roberts, who is a fellow in my office; Mr. Kevin Eckerle, a fellow in the Commerce Committee; Dr. Steve Lehman, a fellow in Senator PRYOR's office; and Mr. CRAIG Robinson, a fellow in Senator LIEBERMAN's office, all be granted the privilege of the floor during the pendency of S. 761 and any votes that occur on this bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that Jack

Wells, a fellow on my staff, be granted floor privileges for the duration of the debate on S. 761, the America COMPETES Act.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the nominations placed on the Secretary's desk; that the nominations be confirmed, the motions to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

NOMINATIONS PLACED ON THE SECRETARY'S DESK

PUBLIC HEALTH SERVICE

PN388 PUBLIC HEALTH SERVICE nominations (2) beginning Sunee R. Danielson, and ending Mary E. Evans, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 22, 2007.

PN428 PUBLIC HEALTH SERVICE nominations (281) beginning Arturo H. Castro, and ending David J. Lusche, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of April 11, 2007.

PN429 PUBLIC HEALTH SERVICE nominations (806) beginning David G. Addiss, and ending Allyson M. Alvarado, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of April 11, 2007.

PN430 PUBLIC HEALTH SERVICE nominations (337) beginning Daniel S. Miller, and ending Darin S. Wieggers, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of April 11, 2007.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume legislative session.

APPOINTMENTS

THE ACTING PRESIDENT pro tempore. The Chair, on behalf of the President pro tempore, pursuant to Public Law 96-388, as amended by Public Law 97-84 and Public Law 106-292, appoints the following Senators to the United States Holocaust Memorial Council for the 110th Congress: the Senator from Utah (Mr. HATCH) and the Senator from Minnesota (Mr. COLEMAN).

The Chair announces, on behalf of the Republican leader, pursuant to the provisions of S. Res. 105 (adopted April 13, 1989), as amended by S. Res. 149 (adopted October 5, 1993), as amended by Public Law 105-275, further amended by S. Res. 75 (adopted March 25, 1999), amended by S. Res. 383 (adopted October 27, 2000), and amended by S. Res. 355 (adopted November 13, 2002), and further amended by S. Res. 480 (adopted

November 20, 2004), the appointment of the following Senators to serve as members of the Senate National Security Working Group for the 110th Congress: Senator THAD COCHRAN of Mississippi (Co-Chairman); Senator JON KYL of Arizona (Administrative Co-Chairman); Senator MITCH MCCONNELL of Kentucky (Co-Chairman); and Senator TRENT LOTT of Mississippi (Co-Chairman).

NATIONAL SHAKEN BABY SYNDROME AWARENESS WEEK

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 163, submitted earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 163) designating the third week of April 2007 as "National Shaken Baby Syndrome Awareness Week".

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. Mr. President, along with Senators ALEXANDER, BAYH, BENNETT, BOXER, CANTWELL, CLINTON, COLEMAN, DOMENICI, DURBIN, HATCH, LEVIN, LIEBERMAN, SALAZAR, and SCHUMER, I am in support of our resolution to proclaim the third week of April of 2007 as "National Shaken Baby Syndrome Awareness Week." The Senate has passed similar resolutions each year since 2001, and we strongly support continued awareness of one of the most devastating forms of child abuse in this country, abuse that results in the severe injury, lifelong disability, or death of hundreds of children each year.

In recognition of the need to eliminate child abuse and to raise awareness about the issue, the month of April has again been designated "National Child Abuse Prevention Month," an annual tradition that was initiated in 1979 by former President Jimmy Carter. As we focus on child abuse prevention this month, awareness and prevention of Shaken Baby Syndrome is an important component of these efforts.

I would like to recognize the many groups, including those formed by parents and relatives who have been killed or injured by shaking, who support this effort to increase awareness of one of the most devastating forms of child abuse. These supporters include the American Academy of Pediatrics, the American Association of Neurological Surgeons, the American Psychological Association, The Arc of the United States, the Association of Maternal and Child Health Programs, the Association of University Centers on Disabilities, the Brain Injury Association of America, the Center for Child Protection and Family Support, the Child Welfare League of America, Children's Healthcare is a Legal Duty, the Congress of Neurological Surgeons, the

Cynthia Gibbs Foundation, Don't Shake Jake, Easter Seals, Epilepsy Foundation of America, Family Voices, the Hannah Rose Foundation, the Kierra Harrison Foundation, the National Association of Children's Hospitals, the National Association of Child Care Resource & Referral Agencies, the National Center for Learning Disabilities, the National Child Abuse Coalition, the National Crime Prevention Council, the National Exchange Club Foundation, the National Family Partnership, the National Respite Coalition, the National Shaken Baby Coalition, Parents Anonymous, Prevent Child Abuse, the Shaken Baby Alliance, the Shaken Baby Association, Shaken Baby Prevention Inc., Shaken Baby Syndrome Prevention Plus, the SKIPPER Initiative, United Cerebral Palsy, A Voice for Gabbi, and many other groups.

I urge the Senate to adopt this resolution designating the third week of April 2007 as "National Shaken Baby Syndrome Awareness Week," and to take part in the many local and national activities and events recognizing the month of April as National Child Abuse Prevention Month.

Mr. NELSON of Florida. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 163) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 163

Whereas the month of April has been designated "National Child Abuse Prevention Month" as an annual tradition that was initiated in 1979 by former President Jimmy Carter;

Whereas the most recent National Child Abuse and Neglect Data System figures reveal that almost 900,000 children were victims of abuse and neglect in the United States in 2005, causing unspeakable pain and suffering to our most vulnerable citizens;

Whereas among the children who are victims of abuse and neglect, more than 4 children die in the United States each day;

Whereas children aged 1 year or younger accounted for approximately 42 percent of all child abuse and neglect fatalities in 2005, and children aged 3 years or younger accounted for approximately 77 percent of all child abuse and neglect fatalities in 2005;

Whereas abusive head trauma, including the trauma known as "Shaken Baby Syndrome", is recognized as the leading cause of death of physically abused children;

Whereas Shaken Baby Syndrome can result in loss of vision, brain damage, paralysis, seizures, or death;

Whereas a 2003 report in the Journal of the American Medical Association estimated that, in the United States, an average of 300 children will die each year, and 600 to 1,200 more will be injured, of whom $\frac{2}{3}$ will be babies or infants under 1 year in age, as a result of Shaken Baby Syndrome, with many

cases resulting in severe and permanent disabilities;

Whereas medical professionals believe that thousands of additional cases of Shaken Baby Syndrome and other forms of abusive head trauma are being misdiagnosed or are not detected;

Whereas Shaken Baby Syndrome often results in permanent, irreparable brain damage or death to an infant and may result in extraordinary costs for the provision of medical care to the infant in just the first few years of life of the infant;

Whereas the most effective solution for ending Shaken Baby Syndrome is to prevent the abuse, and it is clear that the minimal costs of education and prevention programs may prevent enormous medical and disability costs and immeasurable amounts of grief for many families;

Whereas prevention programs have demonstrated that educating new parents about the danger of shaking young children and how they can help protect their child from injury can bring about a significant reduction in the number of cases of Shaken Baby Syndrome;

Whereas education programs have been shown to raise awareness and provide critically important information about Shaken Baby Syndrome to parents, caregivers, daycare workers, child protection employees, law enforcement personnel, health care professionals, and legal representatives;

Whereas "National Shaken Baby Syndrome Awareness Week" and efforts to prevent child abuse, including Shaken Baby Syndrome, are supported by groups across the United States, including those formed by parents and relatives of children who have been killed or injured by shaking, whose mission is to educate the general public and professionals about Shaken Baby Syndrome and to increase support for victims and the families of the victims in the health care and criminal justice systems;

Whereas Congress previously designated the third week of April 2001 as "National Shaken Baby Syndrome Awareness Week 2001"; and

Whereas Congress strongly supports efforts to protect children from abuse and neglect: Now, therefore, be it

Resolved, That the Senate—

(1) designates the third week of April 2007 as "National Shaken Baby Syndrome Awareness Week";

(2) commends those hospitals, child care councils, schools, community groups, and other organizations that are—

(A) working to increase awareness of the danger of shaking young children; and

(B) educating parents and caregivers on how they can help protect children from injuries caused by abusive shaking; and

(C) helping families cope effectively with the challenges of child-rearing and other stresses in their lives; and

(3) encourages the citizens of the United States to—

(A) remember the victims of Shaken Baby Syndrome; and

(B) participate in educational programs to help prevent Shaken Baby Syndrome.

WEEK OF THE YOUNG CHILD

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 164, submitted earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The assistant legislative clerk read as follows: